

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 21-061
)	
HARRY E. MILLER)	

MOTION TO DISMISS INDICTMENT

AND NOW comes the United States of America, by its attorneys, Eric G. Olshan, United States Attorney for the Western District of Pennsylvania, and Mark V. Gurzo, Assistant United States Attorney for said District, and respectfully submits its *Motion to Dismiss Indictment*.

1. On February 16, 2021, a federal grand jury sitting in the Western District of Pennsylvania returned an indictment at Criminal Number 21-061 charging Defendant, Harry E. Miller (“Defendant”), with three counts of transmitting an interstate threat, in violation of 18 U.S.C. § 875(c). To resolve that criminal conduct, on February 21, 2023, the United States filed an Information charging Defendant with one count of intimidating certain officers or employees, in violation of 18 U.S.C. § 111(a)(1). *See* Criminal Number 23-029.

2. Defendant pleaded guilty to the Information on February 28, 2023. On December 6, 2023, this Honorable Court sentenced Defendant to the agreed-upon sentence of one year of probation with a special condition of six (6) months of home detention, no fine, and a special assessment of \$25.00. Based upon Defendant’s guilty plea and sentencing, it is in the interests of justice to dismiss the Indictment at Criminal Number 21-061.

WHEREFORE, the United States respectfully requests that the Court dismiss the Indictment at Criminal Number 21-061.

A proposed Order is attached.

Respectfully submitted,



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MARK V. GURZO
Assistant U.S. Attorney
Maryland Bar